REMARKS

This application has been reviewed in light of the Office Action dated February 23, 2006. Claims 40-60 are presented for examination. Claims 40, 46, 52 and 58 have been amended to define more clearly what Applicant regards as his invention. Claims 40, 46, 52 and 58 are in independent form. Favorable reconsideration is requested.

Claims 40-60 were rejected under 35 U.S.C. 103(a) over U.S. Patent 6,400,091 (Deguchi et al.), hereinafter "Deguchi", and the article by Rodriguez et al. entitled "Catalytic Engineering of Carbon Nonstructures," Langmuir 11, pp. 3862-3866 (1995), hereinafter "the Rodriquez article".

Independent Claims 40, 46, 52 and 58 have been amended to recite arranging a plurality of carbon fibers on the first electrode, so that a height of at least a part of the carbon fibers from the substrate is larger than a height of the second electrode from the substrate. Support for this amendment is found in the specification and drawings as originally filed (see, e.g., Fig. 5D). For the Examiner's convenience, a marked up version of Figs. 5D is attached, in which L1 has been inserted to identify the height of at least a part of the carbon fibers from the substrate, and L2 has been inserted to identify the height of the second electrode from the substrate. As can be understood, in view of Fig. 5D, L1 > L2. It should be understood, of course, that Fig. 5D has been referred to for purposes of illustration only, and the scope of the claims should not be construed as being limited only to the embodiment depicted.

As recognized in the Office Action, in Deguchi the first electrode corresponds to a cathode electrode 12 disposed on a substrate 11, the second electrode corresponds to a control electrode 15, and an electron emission member 14 may include carbon fiber therein. This can be seen in the attached copy of Fig. 2 of Deguchi, which has been marked up to identify those components for the Examiner's convenience. As can be seen in Fig. 2 of Deguchi, heights L1 and L2 relating to the electrodes 12 and 15, respectively, have the following relationship: $L1 < L2$. However, nothing in Deguchi would teach or suggest arranging a plurality of carbon fibers on a first electrode, so that a height of at least a part of the carbon fibers from a substrate is larger than a height of a second electrode from the substrate, as set forth in Claims 40, 46, 52 and 58.

The Rodriquez article was cited in the Office Action as teaching graphenes stacked in various manners, but is not understood to teach or suggest anything that would remedy the deficiencies of Deguchi against Claims 40, 46, 52, and 58 herein. Accordingly, even if Deguchi and the Rodriquez article were to be combined in the manner proposed in the Office Action, the resulting combination still would not teach or suggest the above-emphasized features of Claims 40, 46, 52, and 58. Accordingly, those claims are believed to be clearly patentable over Deguchi and the Rodriquez article, whether considered separately or in combination.

Each of the dependent claims depends on one or another of the independent claims discussed above, and also are believed to be patentable over the art relied on in the

Office Action, at least for the reason that each depends from a patentable base claim. Nonetheless, because each dependent claims recites an additional aspect of the invention, the individual reconsideration of each on its own merits is respectfully requested.

Applicant respectfully requests favorable entry hereof, reconsideration, and early passage to issue of the present application. Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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